

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/502,328 Confirmation No. 3294
Applicant : ZIMMERMAN *et al.*
Filing or § 371 date : 19 MAY 2005
TC/A.U. : 1609
Examiner : M. MOSHER
Docket No. : CS-118
Customer No. : 62,479

DECLARATION UNDER 37 C.F.R. 1.132

I, Daniel ZIMMERMAN, hereby declare as follows:

1. I am the same inventor as listed in the captioned application.
2. I am familiar with the subject matter of this application and with the Office Action mailed on September 25, 2007, and all of the references cited therein.
3. I conceived and/or invented the subject matter disclosed in the cited reference, Vaccine 19:4750-4759, issued 14 September 2001 ("Zimmerman *et al.*") relied upon to make the outstanding § 103 rejection.
4. The listed co-authors, J.P. Lloyd, D. Heisey, M.D. Winship, M. Siwek, E. Talor, P.S. Sarin in the Zimmerman *et al.* reference worked under my direction and supervision.

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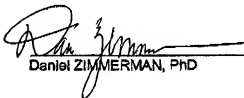
Appl. No. 10/502,328
Reply to Office Action September 25, 2007

5. Accordingly, Zimmerman *et al.* is not "by another" and therefore not § 102(a) prior art.

Further Declarant ZIMMERMAN sayeth:

I declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true and further, that any false statements so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code., and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dec 24, 2007
Date


Daniel ZIMMERMAN, PhD